

Amendments to the Drawings:

The attached two (2) sheets of drawings include changes to Figs. 1 and 2a. These two sheets, which include Figs. 1-3, replace the original sheets including Figs. 1-3. In Fig. 1, positioning of element 7 has been changed. In Fig. 2a, positioning of element 13 has been changed.

Attachments: 2 replacement sheets.

REMARKS

Claims 1, 2, 3, 5 and 7 are pending in this application after cancellation of claims 4 and 6. Claims 1, 2 and 7 have been amended. Reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested.

The Examiner objected to the specification because of certain informalities, including: a) the operation of the device is not clearly explained; and b) the specification does not address “a chip” per claim 4, and “a transponder” per claim 5. Applicant notes that the specification has been amended to address these issues. With respect to the alleged lack of recitation of “a chip,” Applicant notes that the original specification clearly indicates that “Advantageously, the plug-connection verification system, which include, the detection device, is arranged on a microchip which, for example, is adhesively bonded to the plug-connector housing or fixed in a recess provided in the plug-connector housing.” (Specification, p. 3, l. 9-13). With respect to the alleged lack of recitation of “a transponder,” Applicant notes that page 5, line 16 of the specification has been amended to explicitly recite that the “data transmission device 8” is a transponder. No new matter is introduced by this amendment, since “transponder” was originally recited in claim 5 and since “transponder” is clearly one type of a data transmission device. In view of the foregoing, Applicant respectfully submits that the objection to the specification should be withdrawn.

The Examiner objected to the drawings because of certain informalities, including: a) switch 13 is positioned on different elements in Figs. 2a and 2b; and b) the drawing does not show the operation clearly. In response, Fig. 2a has been amended to change the position of element 13 such that Figs. 2a and 2b are consistent. Furthermore, the description contained in the specification relating to Figs. 2a and 2b have been amended to clarify the operation. In view of the foregoing, Applicant respectfully submits that the objection to the drawings should be withdrawn.

The Examiner notes that the oath or declaration is defective because the date associated with the signature of the applicant is crossed out. Applicant respectfully notes that the date is not “crossed-out”; instead, an “X” was placed in the blank line intended for the date, so that the inventor would know exactly where to write the date. Accordingly, Applicant respectfully submit that the inventor’s declaration is not defective.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,112,246 (“Kawase”).

To anticipate a claim under § 102(b), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged exactly as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Applicant has amended claim 1 to recite the features that “the detection device is arranged on a chip element that is fixedly connected to the plug,” and that “a receiver unit . . . [is] configured to receive data from the data transmission device, wherein the receiver unit is configured to be attached to a wrist of an operator.” Applicant notes that Kawase clearly fails to teach or suggest these claimed features. Accordingly, claim 1 and its dependent claim 2 are allowable over Kawase.

Claims 1, 3, 4 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,120,255 (“Kouda”). Claim 4 has been canceled. Applicant notes that Kouda clearly fails to teach or suggest the claimed features that “the detection device is arranged on a chip element that is fixedly connected to the plug,” and that “a receiver unit . . . [is] configured to receive data from the data transmission device, wherein the receiver unit is configured to be attached to a wrist of an operator.” Although Kouda may mention a chip element, Kouda clearly fails to teach or suggest that the chip element is

“fixedly connected to the plug.” Accordingly, claim 1 and its dependent claims 3 and 7 are allowable over Kouda.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kouda in view of U.S. Patent No. 6,784,802 (“Stanescu”).

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art teach or suggest each element of the claim, the prior art must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F. 2d 931, 934 (Fed. Cir. 1990); In re Bond, 910 F. 2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a prima facie case of obviousness. The Examiner must show, inter alia, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. See M.P.E.P. §2143.

Claim 5 depends from claim 1. With respect to the features of parent claim 1, Applicant notes that the combination of Kouda and Stanescu clearly fails to teach or suggest the features that “the detection device is arranged on a chip element that is fixedly connected to the plug,” and that “a receiver unit . . . [is] configured to receive data from the data transmission device, wherein the receiver unit is configured to be attached to a wrist of an operator.” Accordingly, dependent claim 5 is allowable over the combination of Kouda and Stanescu.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kouda in view of U.S. Patent No. 5,686,897 (“Loh”). Claim 6 has been canceled, and the features of claim 6 have been incorporated into independent claim 1. With respect to the features of claim 1, Applicant notes that the combination of Kouda and Loh clearly fails to teach or suggest the features that “the detection device is arranged on a chip element that is fixedly connected to the plug,” and that “a receiver unit . . . [is] configured to receive data from the data transmission device, wherein the receiver unit is configured to be attached to a wrist of an operator.” Although the Examiner contends that “Loh discloses a receiver unit configured to be attached to a wrist,” Loh has nothing to do with a **receiver**; instead, Loh merely discloses a “self-testing electronic personnel **grounding device** (wrist strap) for the

purpose of **dissipating static electricity** from an individual.” (Abstract; see also col. 2, l. 24-40). Accordingly, claim 1 is allowable over the combination of Kouda and Loh.

In view of the foregoing, Applicant respectfully requests that the rejections of claims 1, 2, 3, 5 and 7 be withdrawn.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all pending claims 1, 2, 3, 5 and 7 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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